

12-22-05

ifw
ph

In the United States Patent & Trademark Office

Re application of: Charles Moody

Serial Number: 10/602,864

Filed: June 25, 2003

) Attorney Docket: 361.2868

)

) Examiner: Mah, Chuck

)

) Group Art Unit: 3676

For: Sanitary Door Opener

RESPONSE

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the outstanding office action dated August 19, 2005, a Terminal Disclaimer is submitted herewith.

The Examiner has withdrawn the indicated allowability of claims 12-20 in view of Applicant's pending continuation-in-part application 10/837,678. The submitted Terminal Disclaimer disclaims the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/837,678.

It is believed that with the filing of the Terminal Disclaimer, the application is in condition for allowance and such action is respectfully requested.

If the Examiner has any questions regarding this response, he is asked to contact the Applicant's attorney at 302-227-2364.

01/12/2006 SDENBOB1 00000030 501014 10602864
02 FC:2252 225.00 DA

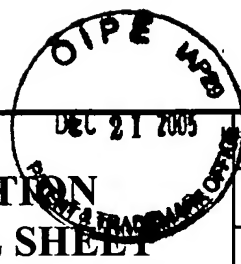
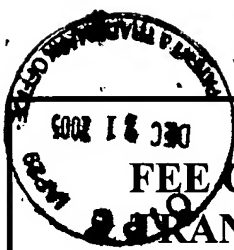
Respectfully submitted,

Peter A. Borsari

Registration Number 32,114

3 South Fieldway
Rehoboth Beach, DE 19971
302-227-2364
302-227-5933 (fax)

Date: December 20, 2005



**FEE CALCULATION
TRANSMITTAL SHEET**

TOTAL AMOUNT OF PAYMENT: \$225.00

Application Number	10/602,864
Filing Date	June 25, 2003
First Inventor	Charles Moody
Group Art Unit	3676
Examiner Name	Mah, Chuck
Attorney Docket	361.2868

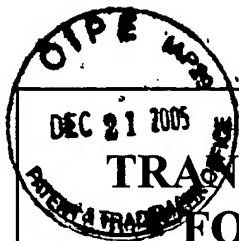
METHOD OF PAYMENT	FEE CALCULATION (continued)																																										
<input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check # _____ <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge \$225.00 and any additional fees required under 37 CFR 1.16, 1.17 and 1.20 and credit any overpayments to: Deposit Account Number: 54-1014 Deposit Account Name: Borsari & Associates	3. ADDITIONAL FEES <table><thead><tr><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td><input type="checkbox"/> Surcharge - late filing fee or oath</td><td>_____</td></tr><tr><td><input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet</td><td>_____</td></tr><tr><td><input type="checkbox"/> Non-English specification</td><td>_____</td></tr><tr><td><input type="checkbox"/> For filing a request for <i>ex parte</i> reexamination</td><td>_____</td></tr><tr><td><input type="checkbox"/> Requesting publication of SIR prior to Examiner action</td><td>_____</td></tr><tr><td><input type="checkbox"/> Extension for reply within first month</td><td>_____</td></tr><tr><td><input checked="" type="checkbox"/> Extension for reply within second month</td><td>\$225.00</td></tr><tr><td><input type="checkbox"/> Extension for reply within third month</td><td>_____</td></tr><tr><td><input type="checkbox"/> Extension for reply within fourth month</td><td>_____</td></tr><tr><td><input type="checkbox"/> Notice of Appeal</td><td>_____</td></tr><tr><td><input type="checkbox"/> Filing a brief in support of an appeal</td><td>_____</td></tr><tr><td><input type="checkbox"/> Request for oral hearing</td><td>_____</td></tr><tr><td><input type="checkbox"/> Petition to Revive - unavoidable</td><td>_____</td></tr><tr><td><input type="checkbox"/> Petition to Revive - unintentional</td><td>_____</td></tr><tr><td><input type="checkbox"/> Petitions to Commissioner</td><td>_____</td></tr><tr><td><input type="checkbox"/> Processing fee under 37 CFR 1.17q</td><td>_____</td></tr><tr><td><input type="checkbox"/> Submission of Information Disclosure Stmt</td><td>_____</td></tr><tr><td><input type="checkbox"/> Assignment Recordation Fee</td><td>_____</td></tr><tr><td><input type="checkbox"/> Request for Continued Examination</td><td>_____</td></tr><tr><td>SUBTOTAL (3)</td><td>\$225.00</td></tr></tbody></table>	Fee Description	Fee Paid	<input type="checkbox"/> Surcharge - late filing fee or oath	_____	<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	_____	<input type="checkbox"/> Non-English specification	_____	<input type="checkbox"/> For filing a request for <i>ex parte</i> reexamination	_____	<input type="checkbox"/> Requesting publication of SIR prior to Examiner action	_____	<input type="checkbox"/> Extension for reply within first month	_____	<input checked="" type="checkbox"/> Extension for reply within second month	\$225.00	<input type="checkbox"/> Extension for reply within third month	_____	<input type="checkbox"/> Extension for reply within fourth month	_____	<input type="checkbox"/> Notice of Appeal	_____	<input type="checkbox"/> Filing a brief in support of an appeal	_____	<input type="checkbox"/> Request for oral hearing	_____	<input type="checkbox"/> Petition to Revive - unavoidable	_____	<input type="checkbox"/> Petition to Revive - unintentional	_____	<input type="checkbox"/> Petitions to Commissioner	_____	<input type="checkbox"/> Processing fee under 37 CFR 1.17q	_____	<input type="checkbox"/> Submission of Information Disclosure Stmt	_____	<input type="checkbox"/> Assignment Recordation Fee	_____	<input type="checkbox"/> Request for Continued Examination	_____	SUBTOTAL (3)	\$225.00
Fee Description	Fee Paid																																										
<input type="checkbox"/> Surcharge - late filing fee or oath	_____																																										
<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	_____																																										
<input type="checkbox"/> Non-English specification	_____																																										
<input type="checkbox"/> For filing a request for <i>ex parte</i> reexamination	_____																																										
<input type="checkbox"/> Requesting publication of SIR prior to Examiner action	_____																																										
<input type="checkbox"/> Extension for reply within first month	_____																																										
<input checked="" type="checkbox"/> Extension for reply within second month	\$225.00																																										
<input type="checkbox"/> Extension for reply within third month	_____																																										
<input type="checkbox"/> Extension for reply within fourth month	_____																																										
<input type="checkbox"/> Notice of Appeal	_____																																										
<input type="checkbox"/> Filing a brief in support of an appeal	_____																																										
<input type="checkbox"/> Request for oral hearing	_____																																										
<input type="checkbox"/> Petition to Revive - unavoidable	_____																																										
<input type="checkbox"/> Petition to Revive - unintentional	_____																																										
<input type="checkbox"/> Petitions to Commissioner	_____																																										
<input type="checkbox"/> Processing fee under 37 CFR 1.17q	_____																																										
<input type="checkbox"/> Submission of Information Disclosure Stmt	_____																																										
<input type="checkbox"/> Assignment Recordation Fee	_____																																										
<input type="checkbox"/> Request for Continued Examination	_____																																										
SUBTOTAL (3)	\$225.00																																										
FEE CALCULATION																																											
1. BASIC FILING FEE <table><thead><tr><th>FEE DESCRIPTION</th><th>FEE PAID</th></tr></thead><tbody><tr><td>Utility filing fee</td><td>\$375.00</td></tr><tr><td>Design filing fee</td><td></td></tr><tr><td>Plant filing fee</td><td></td></tr><tr><td>Reissue filing fee</td><td></td></tr><tr><td>Provisional filing fee</td><td></td></tr><tr><td>SUBTOTAL (1)</td><td>\$000.00</td></tr></tbody></table>	FEE DESCRIPTION	FEE PAID	Utility filing fee	\$375.00	Design filing fee		Plant filing fee		Reissue filing fee		Provisional filing fee		SUBTOTAL (1)	\$000.00																													
FEE DESCRIPTION	FEE PAID																																										
Utility filing fee	\$375.00																																										
Design filing fee																																											
Plant filing fee																																											
Reissue filing fee																																											
Provisional filing fee																																											
SUBTOTAL (1)	\$000.00																																										
2. EXTRA CLAIM FEES <table><thead><tr><th></th><th>Extra Claims</th><th>Fee</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Total Claims <u>xx</u> - 20 = <u>xx</u> x \$ 9.00 =</td><td></td><td></td><td>\$ 00.00</td></tr><tr><td>Independent <u>xx</u> - 03 = <u>xx</u> x \$40.00 =</td><td></td><td></td><td>\$ 00.00</td></tr><tr><td>Claims</td><td></td><td></td><td></td></tr><tr><td>SUBTOTAL (2)</td><td></td><td></td><td>\$ 00.00</td></tr></tbody></table>		Extra Claims	Fee	Fee Paid	Total Claims <u>xx</u> - 20 = <u>xx</u> x \$ 9.00 =			\$ 00.00	Independent <u>xx</u> - 03 = <u>xx</u> x \$40.00 =			\$ 00.00	Claims				SUBTOTAL (2)			\$ 00.00																							
	Extra Claims	Fee	Fee Paid																																								
Total Claims <u>xx</u> - 20 = <u>xx</u> x \$ 9.00 =			\$ 00.00																																								
Independent <u>xx</u> - 03 = <u>xx</u> x \$40.00 =			\$ 00.00																																								
Claims																																											
SUBTOTAL (2)			\$ 00.00																																								

SUBMITTED BY:

SIGNATURE:

Peter A. Borsari, Registration Number: 32,114

Date: December 20, 2005



TRANSMITTAL FORM FOR PATENTS

(to be used for all correspondence after initial filing)

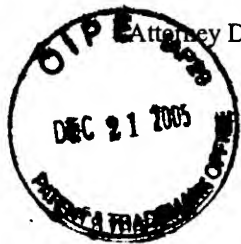
Application Number	10/602,864
Filing Date	June 25, 2003
First Inventor	Charles Moody
Group Art Unit	3676
Examiner Name	Mah, Chuck
Attorney Docket	361.2868

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declarations(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an application) <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD's _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
Remarks		

SIGNATURE OF APPLICANT, AGENT OR ATTORNEY

Firm or Individual Name	Peter A. Borsari
Signature	
Date	December 20, 2005



Attorney Docket: 361.2868

BORSARI & ASSOCIATES, P.C.

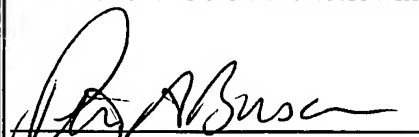
PATENTS ■ TRADEMARKS ■ COPYRIGHTS

3 South Fieldway
Rehoboth Beach, DE 19971
Telephone: 302-227-2364
Facsimile: 302-227-5933
www.borsariassociates.com

In re: Charles Moody
Serial No: 10/602,864
Title: Sanitary Door Opener

CERTIFICATE OF MAILING

I hereby certify that the correspondence attached hereto is being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and is addressed to Mail Stop ^{Amendment} New Applications, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the following date: December 21, 2005


Peter A. Borsari

12-21-05
Date